

MAINE HARNESS RACING COMMISSION  
MINUTES OF MEETING  
February 25, 2014  
Fallen Heroes Room, Department of Public Safety  
45 Commerce Drive, Augusta, ME

Commission Members Present: Barbara Dresser, Chair, James Tracy, Gary Reed, and Michael Timmons. Absent Dirk Duncan.

Staff Members Present: Ron Guay, AAG, Henry Jackson, Miles Greenleaf, Zachary Matzkin and Carol Gauthier.

Commissioner Tracy made a motion to approve the minutes for October 17, 2013 as presented. Commissioner Timmons seconded. Vote 4-0. Commissioner Tracy made a motion to approve the minutes of December 12, 2013 as written. Commissioner Timmons seconded. Vote 4-0.

ADJUDICATORY HEARINGS:

1. Commissioner Dresser stated that there will be a large number of adjudicatory hearings today and she gave a rough outline of what she understands that are their options for today. We have the outright dismissal of matters, a non-adjudicatory letter of warning or warning that could be done. Then we move to the adjudicatory finding level which could be obviously either a warning or discipline but both of which regardless of where they end up and require redistribution of purses and suspension of the horse that's involved. Commissioner Timmons stated that he would like to make a motion to postpone all the violations on today's agenda until June 15, 2014. At that time when the Maine State Harness Racing Commission meeting is held if all the individuals on this list have not had a further violation he will then move to dismiss the case from being prosecuted. If you do have a violation and you end up on here, it will be an automatic hearing before this board. Commissioner Reed seconded. Commissioner Dresser stated that they had a motion and a second. Now is the time for discussion and any legal advice our counsel has for us. Attorney Guay restated the motion. He stated that the proper procedure from a hearing prospective is to continue the hearing until then. Commissioner Dresser stated that she thinks the option and she's not sure if anyone would want to take advantage of it but the option should be available that if someone wants to proceed with the hearing today they are welcome to do so. Attorney Guay stated that he thinks both sides would have to agree to continue the hearing. He thinks people have come here today expecting to have a hearing so if the parties would agree to continue the hearing he thinks that's available. Commissioner Dresser stated that if they were to pass this motion would it be appropriate for them to do a roll of sorts or should those meetings be held privately or how should it be handled. Attorney Guay stated that first of all he thinks the State would make the motion. We would have to take a recess. Mr. Jackson the department would make the motion and he will let us know if he's consulted with the defendant assuming the department would want to proceed in this manner. You guys are the judges you're telegraphing this is what you'd like to do, so the department and the defendants here presumably he can't imagine anyone would disagree with what you are proposing. There may be a reason they would. Mr. Jackson would check with them during the recess and come back and tell us which of these cases would like the deferred procedure. Commissioner Dresser stated that she thought at this point they would take any comments that they might have and then would it be appropriate to take a straw vote as to Commission members as to whether or not we have a consensus with this. Attorney Guay stated that they could take a straw vote. Commissioner Tracy stated that his comment was that it appears that most of the time it's taken some length of time to get back results from the lab and he was wondering if you say June do you have a thing in April would you have any notice from the lab

by the time of the June meeting. Mr. Jackson stated that it is difficult to answer that; however, he would say that any samples that were drawn during the month of April he would have some indication in early May; any samples that are drawn in early May he would have an indication in early June before the meeting. Preliminary results are usually available in two weeks. Final results take a little longer. Commissioner Dresser asked for a straw vote of members that would be in favor of having this happen. Now she would look to Attorney Guay and Mr. Jackson as to what needs to happen next. Attorney Guay stated that the best thing to do would be to take a recess so that Mr. Jackson can poll the people and he can think about the right language. Mr. Jackson stated that in the past, these cases would be filed and if there was another violation those would come back and be treated and an adjudicatory hearing would be held to determine whether or not that was a violation. He also stated that if there was another finding that these would be constituted let's say for example that someone has an alleged violation currently and you filed that and he has another alleged violation you prove that violation and that would be the second violation because this would come back and be considered the first. Attorney Guay stated that in that case then these hearings would not be continued but today they would be a disposition on these hearings under your scenario. There would have to be an admission that there was a violation or finding that they were a violation. Mr. Jackson stated if there were another one if not then what Commissioner Timmons is recommending is that if there are no violations committed by any of the individuals on the agenda today that in June those cases would be dismissed. Attorney Guay stated to be clear what you are talking about putting them in a state of abase. We don't open any hearings today. They're filed and they will put on the agenda in June those complaint numbers those that there are no complaints they'll be put on the agenda for dismissal. Those that have a violation will be scheduled at some other time for a hearing. Commissioner Dresser stated that she believes they have is one other stayed item that is not on today's agenda that would it be appropriate for them to direct that one also to be included in the same. Attorney Guay stated that your motion could be for positive drug test from a certain point in time to a certain point in time. Commissioner Dresser stated that she doesn't think that they can quite do that. Attorney Guay asked if they had complaint numbers for them. He also stated that you need to identify them somehow in your motion. Commissioner Timmons stated that he would like to identify them and include them so that you don't have to go through it again. Mr. Jackson stated that they have an alleged violation concerning Eric Bickmore and we also have an alleged violation from Stanley Whittemore and both are under stay. Commissioner Dresser stated that it was Mr. Whittemore that she was thinking of. Attorney Guay stated that he noticed that they have MSHRC033 do those two cases have numbers yet. Mr. Jackson stated yes. Commissioner Dresser stated to reconfirm if anybody does want to proceed today that option will be available to them. We're not taking away their ability to choose. Attorney Guay stated that it's for all classes and all violations on today's agenda. Commissioner Dresser stated that we will call a recess now. Attorney Guay stated that before you take a recess if there are any questions from the public. Commissioner Dresser asked if there were any questions or doesn't understand what has been proposed. Mr. Additon asked if all tests for 2013 in now so there's none out there that could come up again. Commissioner Dresser stated yes. She said that all tests for 2013 have come in and that's part of the reason at least from her prospective that they're doing it is not because we necessarily don't think that the charges that are before us today have validity or should be addressed, but we're in a position where they need to do something to get them back on track. She personally thinks that this is one of the best ways to handle it. Commissioner Tracy made a motion to recess. Commissioner Timmons second. Vote 4-0.

The Commission went back in session at 9:47 a.m.

Attorney Guay stated that we will go through the roster and have people confirm that people are willing to postpone adjudication on this matter. What the defendants that are here today are agreeing

to is that the hearings that are scheduled for today will not occur. That they will be in the parlors of the department filed and at the meeting of the Commission in June of 2014 these cases will be addressed again, and for cases where there has not been a complaint for a violation of Chapter 11 at that meeting in June the cases will be dismissed. So to be clear what people are deciding to today is you're not pleading guilty, you're not admitting to these allegations we are not having hearings on this today if you agree. You do have the right there was a notice of hearing we have the Commission here and you have the hearing officer which is him and we have the department ready to proceed. What he will be asking each person is to whether or not they want to wait until June to see whether or not they have a violation and potentially have their cases dismissed because you do have the right to have a hearing today. For the record to be clear is to not hold your hearing today and wait until June. Again there is no guilty plea, no admissions to the facts if there is going to be action on any of these complaints we are going to start fresh and the department is going to have to prove their case. This is no way prejudices anyone here today. You're not admitting to anything. This is the Commission given the circumstances in 2013 is willing to allow the opportunity for people to have a fresh slate no violations to have these cases dismissed. He asked each one of the licensees below if they wanted to postpone their hearing until June. Each licensee that was present answered with a "yes". Mr. Tourangeau and Mr. Bartlett were not present and asked for a continuance. For the record there is another case that is working its way through the complaint process regarding Stanley Whittemore and is not on the agenda today, but as hearing officer will note that Mr. Jackson will contact Mr. Whittemore along with Mr. Tourangeau and Mr. Bartlett for the postponement until June. At this point all the people who have appeared today are willing to consider postponement of the hearing. At this point in time, he thinks it would be appropriate to craft a motion to grant such a relief. To be clear, this motion is essentially a procedural motion by the Commission and it has to do with the timing of the hearings. You are not making any factual findings as to innocents or guilt obviously and also he would remind the Commissioners that these cases are just complaints there are no violations. When you are making the motion, essentially what you will be moving is that for the cases that will be identified that they will be postponed or continued until the regular meeting of the Commission in June of 2014; and that for these cases individuals who have not received a notice of complaint for a violation of Chapter 11 those cases will be administratively dismissed at the June 2014 meeting; and that those dismissals will be administrative in nature and the licensees will not have to attend. Commissioner Timmons so moved the statement that was just read by Attorney Guay. Commissioner Tracy seconded. Commissioner Dresser asked for discussion. No discussion. She asked for those in favor of the motion. Vote 4-0.

**Donald Lemieux, Complaint Number 2013 MSHRC 012.**  
**Crystal MacDonald, Complaint Number 2013 MSHRC 015**  
**Louis Gasbarro, III, Complaint Number 2013 MSHRC 020**  
**Stephen Murchison, Complaint Number 2013 MSHRC 021**  
**Richard Belisle, Sr., Complaint Number 2013 MSHRC 022**  
**Ryan Hall, Complaint Number 2013 MSHRC 0023**  
**Philip Sowers, Jr. Complaint Number 2013 MSHRC 0024**  
**Adrian Wisher, Complaint Number 2013 MSHRC 0025**  
**Steven Vafiades, Complaint Number 2013 MSHRC 0026**  
**Ronald Dinsmore, Complaint Number 2013 MSHRC 0027**  
**Franklin Hiscock, Complaint Number 2013 MSHRC 0028**  
**James C. Smith, Complaint Number 2013 MSHRC 029**  
**Lisa Saindon, Complaint Number 2013 MSHRC 030**  
**Richard Tourangeau, Sr., Complaint Number 2013 MSHRC 031**  
**Richard Bartlett, Sr., Complaint Number 2013 MSHRC 032**

**Neal Grass, Complaint Number 2013 MSHRC 033**  
**Marc Tardif, Complaint Number 2013 MSHRC 034**

Commissioner Dresser closed the hearing but she wanted to open it back up for any comments. Ms. Tardif had a question regarding the drugs used and their limitations.

**UNFINISHED BUSINESS:**

1. Commissioner Dresser stated that the Commission would review the proposed rule changes for final language and submission for advertising. Commissioner Tracy made a motion to approve Chapter 5 with corrections for advertising. Commissioner Timmons seconded. Vote 4-0. Mr. Jackson stated that there were no changes in Chapter 7 Section 8. Commissioner Dresser stated that we have already approved this for advertising. Mr. Jackson stated that Chapter 9 Section 4 had one change. Chapter 9 Section 5 added a new "E". Commissioner Dresser asked Ms. Perkins what her intent was. Ms. Perkins stated that their intent was because of the consolation races but when they presented to the business meeting it was for all finals. Commissioner Tracy stated that he voiced his opposition to this previously. He thought that \$300.00 to sixth, seventh and eighth place horses seems to him to be a slap in the face to everybody else. He totally disagrees with it and he will be voting against it. Commissioner Dresser stated that her concern is the amount not to exceed \$300.00 each. Who would make that decision and when would it be made. Commissioner Tracy made a motion that this item not put forth. Commissioner Reed seconded. Vote 4-0. Mr. Jackson stated that Chapter 11, Section 2 in A4 to change 'in' to 'and'. Chapter 11, Section 7 Antiulcer this is a new section. Commissioner Tracy made a motion to go forward for publishing as presented. Commissioner Timmons seconded. Vote 4-0. Mr. Jackson presented Chapter 11, Section 8 NSAIDs #3. After discussion on the wording, Mr. Jackson stated that he would put this section together. Commissioner Tracy made a motion to approve the advertising of Section 8 as amended with final submission to be independently Okayed by at least three Commission members. Commissioner Timmons seconded. Commissioner Dresser stated that it will be published unless he gets word from. Attorney Guay stated that at that time it will be brought back to the next commission meeting. Commissioner Tracy amended the motion to be published unless three of the five contact the office and say not to go ahead. Commissioner Timmons seconded. Vote 4-0. Mr. Jackson stated that the Commission should advise the staff regarding to not charge for Bute. Commissioner Timmons made a motion to advise the staff to not charge the fee for Bute. Commissioner Reed seconded. Vote 4-0. Mr. Jackson presented Chapter 11, Section 9 AAS. He stated that there was no change in the wording. He also presented Chapter 9, Section 1-5 as a new proposal from Diann Perkins of the Maine Standardbred Breeders and Owner's Association. Commissioner Dresser stated that the purpose of today was to finalize the wording on the proposed rules for publishing. She doesn't think they should be bringing up something new for today. Commissioner Tracy made a motion to table this item. Commissioner Timmons seconded. Vote 4-0. Mr. Jackson stated that Chapter 9, Section 4-10 was discussed previously and he forgot to include this for today. Commissioner Dresser stated that takes care of rule changes with the except for what Dr. Matzkin is to bring back to them.

2. Commissioner Dresser stated that they will determine if the Commission wishes to schedule a disciplinary hearing regarding a complaint filed by the Maine Harness Horsemen's Association regarding the condition of the racetrack at Scarborough Downs on December 6, 7 and 21, 2013.

Attorney Guay reviewed the statute and there are some regulatory programs in the State of Maine that an individual complainant can bring a complaint against a licensee. In those regulatory schemes it's not an optional question for the regulator whether or not you're going to consider it, so there is in a lot of the State regulatory systems the ability for a complainant to bring a complaint and the then Commission acts as the fact finders on the complaint. The department would do the investigation and do the presentation. In the harness racing statutes there does not exist that parallel. Essentially the department is responsible for the operation of the industry on a day to day, week to week, race to race basis and certainly on its own accord would investigate things that it would believe could be potentially violations and/or if brought to the attention of the department bring forward complaints. Now he thinks really what the question that the Commission is facing here is what degree of latitude does the department have. Is this in other agencies the department would make a judgment as to whether or not make the allegations that are brought forward by a complainant meet essentially two tests. One that it's more likely than not that the facts as they exist would indicate a violation and the second is whether or not the facts and assuming there is a violation if there is sufficient gravity to move forward with the complaint. Those are kind of two threshold types of things that are done at an investigatory level. Now through his experience he knows that the boards and commissions will very often instruct the department with the executive director or the staff for certain types of violations we want to hear these. If there is an allegation made and there is you know we would like to have adjudication, so you can sort of pre-direct the department and the executive director what are those threshold matters. If there's a vendor on race day that didn't have a proper license do you guys want to hear that, probably not. If there are issues regarding safety certain threshold levels of safety to the participants then you may want to. What exactly does the department do? What level of discretion does the department have? From his perspective, there is not a guaranteed right to get to you as the Commissioners from any complainant unless you direct the executive director in the department any complaints of this nature we want to hear about. Without getting to the matters in relation to this specific complaint he thinks the Commission can hear this complaint it is certainly within your purview the conditions of the facility by a licensee is one of the areas that you regulate. It is within your scope and it is within your jurisdiction to hear it. He thinks the question that was posed and because there's been discussions about what kind of prosecutorial discretion that the department has whether or not this would fit into that. He thinks the Commission needs to decide and based on and he has not participated in the investigation, but based on the allegations it certainly if proven true would be within your jurisdiction. Whether or not it's something that the Commission would want to be involved in as he has said before you guys are like on the side of the river if the waters going by you decide where to cast your bucket if this is the type of allegations that you want to spend your time and your resources as Commissioners hearing you can direct the executive director to bring these to you. There is not an automatic right for the complainant to demand the hearing before you. Commissioner Dresser asked if an investigation been conducted. Mr. Jackson stated "yes". Attorney Guay stated that if you want to do a hearing then you are going to need to give notice. You are not going to hear anything about the complaint today. What you need to decide is whether or not the allegation if the condition of a track is the type of thing that you would like to have before you. If you do, then you need to have the executive director issue a notice of hearing and we need to have a hearing on it. Commissioner Dresser stated from her perspective if we're looking for a tipping point if it rises to the level of being a safety concern either for participants for the horses for anyone involved then to her it is a definite that it should come before them. We haven't seen the complaint we've done the investigation and she's not sure if it's appropriate for her to say to Mr. Jackson does it rises to that level. Attorney Guay stated that you would direct Mr. Jackson to say that and again Mr. Jackson's judgment as to his investigation to whether or not there was one there would be sufficient evidence of a violation and two whether it would rise to the level of gravity that discipline would occur. He thinks that's Mr. Jackson's judgment. Commissioner Dresser asked Mr. Jackson if he had

an opinion for them without obviously getting into the details of the matter. A yeah or a nay as to whether it should come forward. Mr. Jackson stated not at this point. He has further discussions with individuals involved in the investigation. Commissioner Dresser stated that her request would be that this be given high priority because racing is starting soon. If it needs to come forward she thinks it should to be on the next month's agenda and she would like to see the investigation completed before qualifiers start. Does that tell you what you need to know? Attorney Guay stated to be clear if there is a finding there was a safety to the participants so Mr. Jackson needs to make that judgment. Commissioner Dresser stated that was her opinion. Do we have others? Commissioner Timmons stated that she made it real clear that the safety part of it is the real key thing and if it is something dangerous to the horse people and the horsemen. Commissioner Dresser stated that if you find a violation of the rules, then it's a definite.

3. Commissioner Dresser stated that they will continue the discussion as to the authorities the Commission wishes to delegate to the Executive Director and the Commission Chair. She asked Mr. Jackson what meetings he attends when the Commission Chair is not available. Mr. Jackson stated the Ag Fair meetings in Portland and association meetings of that type. Mr. McHale didn't go to these meetings and if he was going Mr. McHale asked him to represent the Commission. Commissioner Dresser stated that she was not aware of that. She also stated with what has gone on over the last few months as to medication we know that we're changing the procedure there and that everything is going to come before the Commission so we've already discussed that part, so we don't have to worry about that. Attorney Guay stated just to be clear. Commissioner Dresser stated items 5, 6, and 7 have based on our actions at recent meetings are taken care of. Commissioner Timmons asked Mr. Jackson other than those required in #1 what would you consider that would be something other than that you would come to them. Mr. Jackson stated that anyone that's been convicted as a felon. Anybody who violated the Commission rules to the extent under Chapter 17, Section 1, accruing in excess of 200 days of suspensions or \$2,000.00 worth of fines. Those would automatically come to the Commission for review for licensing. Anybody that may have been put under suspension in another state what he calls a major suspension would be referred to the Commission on their part. We do have reciprocity so that they'd be under suspension here as well as in the jurisdiction that they were suspended in and if they were seeking a license here and they were under suspension in another jurisdiction it would come to you people for licensing if they weren't licensed at the time. Commissioner Timmons asked how long is the reciprocity. Mr. Jackson stated it's the same period of time in that jurisdiction. Commissioner Reed asked Mr. Jackson to help him understand item 9. Mr. Jackson stated what he would try to do it to resolve any complaints that are brought to his office regarding participant licensees, pari-mutuel licensees to see whether or not the complaint could be resolved without a hearing before the Commission. If that was unavoidable then the complaint if warranted would come before the Commission. Commissioner Dresser asked if that would create any conflicts if Mr. Jackson would end up prosecuting a complaint. The fact that he has been involved with medication of it. Attorney Guay stated that he acts as prosecutor other than here and it is very typical that he uses judgment as to whether or not there is sufficient evidence. Also it is not unusual as a prosecutor to see if there is a resolution short of adjudication. He doesn't think it's a problem. He thinks a good prosecutor does that, they apply judgment and they try to figure it out. Is there really something here and/or is it rise to the level of seriousness that we need to go forward. Commissioner Timmons asked Mr. Jackson that based on the direction that we've said we want to be heading in 2014, when the new racing season starts this next month the direction for your staff the ones in the paddock do you have some kind of a meeting that will that they're going to know that warnings that type of thing is going to be clear so that they won't get into a conflict with our rules because they could say they really didn't hear that. How would you handle that to know that the Commissioner's saying for 2014? Mr. Jackson stated that any violation of Chapter 11 originates in

his office. That's where the notice is sent and it's his decision as to whether it's going to be a written warning, a verbal warning. It's very clear with the Commission's stand since this last fall. All violations for Chapter 11 will be referred to the Commission. Just to clear that Commissioner Timmons, none of the field staff has ever made that decision. It has been made in his office and not by them. He may have directed them to have the conversation but they didn't do it on their own. The chain of custody as it exists in his office is he supervises Mr. Greenleaf and Ms. Gauthier, and Mr. Greenleaf supervises the field staff. He would give the direction and Mr. Greenleaf would carry that to the field staff. Mr. Jackson also stated that he reports to Mr. Additon. Commissioner Dresser stated that combined in the agenda item was also the delegation of authority to the Commission Chair and she thinks in the past they discussed this early on that the Chair does with the authority of the Commission the Chair has the ability to hear certain matters and so on. We decided early on that we prefer to do it as a whole. Are there any other delegated authorities you're aware of that the Chair has traditionally had in the past? Mr. Jackson stated none other than what we've experienced. The Chair is responsible for signing any and all positive test notices because there is a provision in there for suspension and only the Commission can suspend staff can't, so therefore the Chair has always had to signed those letters. In addition to that the Chair on occasion and the reason that was put in place if you've got an appeal and it's an appeal that should be heard relatively shortly or would be better served to hold it at a track where the judges are the Chair would go to that track and hear it there. That's the prevision there that was allowed by Chair to conduct those hearings and make determinations. Commissioner Dresser asked if that was something that's happened in recent years she doesn't recall that since she's been on board. Mr. Jackson stated that there were some in Bangor and he doesn't remember when they were. Commissioner Dresser stated that they will divide this into two parts. She's not sure if anyone has any suggestions or comments on the duties delegated to the executive director by the Commission and those delegated to the Commission Chair. Commissioner Timmons stated that he thinks it's understood but because of the changes in the medication rule and the fact that we're making efforts to make sure that everyone is informed would the executive director from the office staff be sending any communication like that on the table over there to all participants so that they hear it because a lot of people still do not have electronic technology. What kind of notification would go to people that everyone that's received licensing would hear it one more time. Mr. Jackson stated that at the beginning of the racing year we would make available copies of any new rules that have been put into effect. They'd be posted as well as having copies available. We would ask the race secretary to include those on the condition sheets. We do not send notices individually to each licensee because of the cost. He also stated that Ms. Ireland does a great job of putting it in their newsletter and website. Commissioner Dresser stated that she had a conversation with Ms. McNitt on the suggested protocols from the American Association of Equine Practitioners (AAEP) of when medication rules are changed and she wanted to know if we had it and she said yes and did she understand it; not so much. She suggested that we have an agenda item for her to come and explain it to us. Mr. Jackson agreed with Commissioner Dresser. Ms. Perkins stated that some of the presiding judges have been concerned that they have not been receiving some of the information like the people that come before the Commission regarding an alleged positive. Mr. Jackson stated that the only information the presiding judges receive is if they were under suspension and several are on his list to receive agendas.

4. Commissioner Dresser stated that we move on to the discussion of what the hearing officer is allowed to make. Attorney Guay stated that there has been a couple of proceedings where he granted a continuance and wasn't clear to him whether he should be doing that. For example, you made a procedural decision today to put all the hearings off until June and he certainly wouldn't imagine that the hearing officer would have that kind of discretion, but granting of continuances under what circumstances especially in this last round of the violations you made it very clear you wanted people

here. Under what circumstances would he be able to grant a continuance? Commissioner Dresser stated that personally she thinks the two today if they're sick and can't be here that's certainly understandable. If the weather hadn't been quite as bad last time and we had driven through some snow it certainly would have been understandable if people from out of state had been granted continuances for travel reasons. She would be interested in what others think, but it's hard for them to define. Attorney Guay stated that those are easy. If there is and he's not recommending this but he is trying to think of other type of things that have come before him but most of them he has brought to the Commission and you have dealt with. He's not involved in investigations. He is like you folks he hears the evidence for the first time, but when we had the dismissals on the anti-ulcer type of things where he affirmatively gave you sort of his legal analysis and made a recommendation we not proceed with the proceedings. He assumes that's the type of activity you want him to be doing as well. Commissioner Dresser stated that she certainly does but she can't speak for the others but she hasn't seen anything that gave her any cause for concern so far. Attorney Guay stated that there have been times where he has made calls saying well he thinks he has the authority to do it, but he thinks most of them has been around continuance. The other time he has been involved is on the appeals and he would like all the Commissioners to understand that. You grant the appeals and he does sort of a preliminary legal review whether it meets the sessions of the statute in terms of not issuing a stay. Mr. Jackson stated that a request for a stay comes to his office and he forwards that to Attorney Guay to take it up to the Chair he doesn't get involved in that. There is one of two stipulations that they have to meet and they have to make that determination. Commissioner Dresser stated that Attorney Guay has assisted her with that at times by most of them have been pretty clear cut as to whether or not, and they have also established informal guidelines as to what they are trying to be consistent. Attorney Guay asked Mr. Jackson if there was anything else they have run across. Normally, Mr. Jackson calls him because he is the prosecutor so he can't be talking to the Chair or to any of the Commissioners on any particular case.

5. Mr. Jackson stated that there will be an official's school in April. He is trying to work out the final details with the USTA. This will be a requirement for each of the appointed judges to attend. This will be their two year cycle. They will be subpoenaed so that they will receive mileage. Ms. Ireland stated that she had a problem with that. She didn't think it should come out of the Commission's operating budget. Mr. Jackson stated that Commissioner Reed wanted to know when the rules were adopted he asked if the officials could be reimbursed for attending the school and he told him the only way that could be done is if they were subpoenaed to attend. He asked Commissioner Reed if that was correct and Commissioner Reed stated that he was right. Commissioner Reed stated in his view we are asking our officials to give up two days of their lives and maybe two days off their jobs and certainly two days doing other things, and not paying for their meals while they are here. Commissioner Dresser stated that those people who have completed their accreditation need to send that documentation into the office. Commissioner Timmons made a motion to reimburse the presiding judges for attending the meeting in Augusta for their training. Commissioner Tracy seconded. Vote 4-0.

#### NEW BUSINESS:

1. Commissioner Dresser stated that they will review and approve the 2014 Proposed List of Judges. She heard that they were missing one name. Mr. Jackson stated that his office did not hear from Mr. Tommila, but would ask the Commission add his name to the list. Commissioner Dresser asked when they are planning on having the judges meeting. Can we have that on the March agenda? Mr. Jackson stated that some of them will not be back in Maine until the first part of April. Commissioner Dresser asked to notify them for the April meeting. She also called for a motion to



approve the judges list as amended. Commissioner Timmons made the motion to approve the judges list as amended. Commissioner Tracy seconded. Vote 4-0.

2. Commissioner Dresser stated that they Commission will review and take action on the proposed budget presented by the MHHA for its operations in calendar year 2014. Ms. Ireland, Executive Director, of the Maine Harness Horsemen's Association addressed the Commission regarding their operating budget for calendar year 2014. She stated that their proposed funding rate for 2014 of 1.6034% is slightly down from 2013 rate of 1.6991% the funding rate for 2014 that was passed by the majority present at their annual meeting in January. Commissioner Tracy stated that he wanted to commend Ms. Ireland and whoever helped her with the package she presented. He has no problem with it whatsoever. Commissioner Reed stated that he was very surprised and very happy that and he commends her for the fact that her budget for 2014 is less than 2013. Ms. Ireland stated that she tends to be very frugal and as you know this is the horsemen's money. She also stated that the handles are down 12%; the slots revenue is down 9.5% and they did take into account the fact that that it has leveled off now Hollywood Casinos revenues as you noticed probably in January have started to level off just as noted that they thought that they were going to have a 30% decrease when Oxford first opened up. That has already leveled out. Oxford has now expanded their casino gaming floor which should bring their revenues up a bit, and with the opening of the Cross Center across from Hollywood Casino should improve revenues going into 2014 unless we have some extenuating circumstances with the economy. Commissioner Tracy made a motion to approve the MHHA budget 2014 as presented. Commissioner Timmons seconded. Commissioner Dresser stated that they have a motion and a second. Is there any discussion? All those in favor. Vote 4-0.

#### REPORTS:

1. None.

#### OTHER BUSINESS:

1. Ms. Ireland stated that the Maine Harness Horsemen's Association and the Maine Standardbred Breeders and Owners Association pooled their resources to bring Dr. Sams who is the director of the lab from Kentucky to Maine for an open forum regarding the medication rules and testing procedures. He will be here March 18, 2014 from 1:00 p.m. to 4:00 p.m. at the Calumet Club. Dr. Powers will be the moderator for the open forum which will include discussions, questions and answers with veterinarians, horsemen and horsewomen.

Commissioner Tracy made motion to adjourn. Commissioner Timmons seconded. Vote 4-0.  
The meeting adjourned at 3:55 p.m.

Respectfully submitted by:

Henry W. Jackson  
Executive Director